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# New evidence backs Westmoreland

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NEW YORK - An unexpected piece of evidence introduced yesterday in Gen. William C. Westmoreland's \$120 million libel action against CBS helped the former commander of ground troops in Vietnam buttress his version of a pivotal 1967 meeting in Saigon. But the retired general also backed into a few contradictory statements under cross-examination by CBS lawyers.

It was Westmoreland's final day testifying on his own behalf in a trial that is expected to last through early February.

Until yesterday, Westmoreland had provided no written record of a May 19, 1967, meeting in which

he claimed top military officers discussed a new intelligence study showing substantially higher estimates of "irregular" enemy troops.

A 1982 CBS broadcast, "The Uncounted Enemy: A Vietnam Deception" accused Westmoreland of suppressing that study from his superiors. According to Westmoreland's lawyers, a memorandum on the meeting was found a few days ago in federal archives, months after other unsuccessful searches.

## Surprised CBS lawyers

The memo angered and surprised CBS lawyer David Boies because almost all other evidence in the case was shared between both sides before the trial started in October. The memo confirmed "oral guidance" from Westmoreland for several officers to analyze the new study "to determine how this information should be presented both officially and publicly."

The memo noted that Westmoreland "specifically" requested a breakdown between armed and unarmed irregular forces. It did not, however, specify who attended the meeting. Westmoreland testified yesterday he felt "confident" his intelligence chief, Gen. Joseph McChristian, was there.

But Boies pointed out that a few days ago Westmoreland testified that he did not know whether McChristian was present. "I certainly can't recall at this juncture," were Westmoreland's words.

Earlier in the day, Boies introduced a cable Westmoreland sent to superiors in Honolulu and Washington three months after the January 1968 Tet offensive - in which the Viet Cong brought their war into the streets of Saigon and other South Vietnam cities.

## Westmoreland's cable

According to CBS, the magnitude of that attack made it clear to policymakers in Washington that Westmoreland's command had been understating the strength of the enemy in earlier reports. In his cable, Westmoreland warned that the enemy would gain "a psychological tool of incalculable value" if higher enemy estimates from the Central Intelligence Agency won official acceptance.

A few months earlier, Westmoreland's command had essentially prevailed over the CIA in a debate over official enemy estimates. But after Tet, the CIA resumed its fight for an enemy listing of 480,000 to 615,000 men - about double the number favored by Westmoreland. A key point of dispute was whether an estimated 200,000 or more irregular forces, most of them in the enemy's "self-defense militia," should be included.

Westmoreland insisted in his cable that "quantification" of those troops was impossible and would give the enemy "credit for thousands of people who exert no military effect."

"The acceptance of this inflated strength ... is contrary to our national interest," Westmoreland

said. "The effect that its inevitable public announcement would have on the American public, which recognizes no qualification in semantics between 'military' and 'insurgency base,' is obvious."

## Johnson request cited

But in a response two weeks later, the chairman of the Joint Chiefs of Staff told Westmoreland that regardless of his belief that self-defense troops could not be quantified, President Lyndon B. Johnson had "specifically requested an estimate of those elements" to help plan war strategy.

Between Westmoreland's two appearances on the stand yesterday, Paul H. Nitze, deputy secretary of defense from 1967 to 1969, testified for several hours.

Nitze recalled a 1981 discussion at his summer home in Northeast Harbor, Maine, with George Crile, who produced the CBS documentary. Their connection was a social one: Nitze and his wife were "close friends" of Crile's in-laws.

According to Nitze, he offered words of caution after Crile explained his central premise - a military "conspiracy" to deceive Johnson about enemy strength - for what was then a documentary in the works.

"I think I told George I could well understand why people could have had violent disagreements over [enemy strength] figures," said Nitze, who visited Vietnam several times.